

# State Scenic – Historic Byways Program

Revenue and Transportation Interim Committee

February 17, 2012

## **Program Purpose\***

Montana's Scenic – Historic Byways Program promotes and enhances tourism and the understanding and appreciation of the state's heritage in concert with the preservation, protection, and enhancement of the state's scenic, historic and cultural resources.

## **Advisory Council Role**

Council established in Montana Code as a technical council to advise the Department of Transportation and the Transportation Commission in developing the State Scenic-Historic Byways Program and recommend candidates for state scenic historic byway designation.

*\*Although there is no specific state funding available for scenic byway projects or programs, the National Scenic Byway Program under Federal Law (Title 23 USC 162) allows for funding of qualified projects that meet certain criteria.*

## **Program Background**

- In 1999 the Legislature passed legislation for the establishment of a State Scenic-Historic Byways Program (SSHBP). (MCA 60-2-601)
- In 2005, Administrative Rules for the SSHBP were established. (ARM 18.14.201-208)
- The 2009 Legislature approved a temporary scenic-historic byways pilot project (MCA 60-2-606). This pilot project required consideration of eight highways for scenic byway designation
- In 2009, the Transportation Commission appointed the following individuals to the SSHBP Advisory Council for a three-year term:
  - Homer Staves – Mr. Staves has over 40 years in the tourism industry. He has previously served as a Chamber of Commerce executive in Billings and has been appointed to the National Scenic Byways Committee by USDOT. He is currently a member of the Montana Chamber of Commerce.
  - Mike Penfold – Mr. Penfold brings experience from the US Forest Service (20 years) and the BLM (16 years). Currently he is Chairman of the Yellowstone River Conservation Forum; President of the Frontier Heritage Alliance; and Field Program Director of Our Montana.
  - Ed DesRosier – Mr. DesRosier is owner and operator of Sun Tours in Glacier National Park. He is an enrolled Blackfeet Tribal member and was appointed to serve on the Governor's Tourism Advisory Council for Montana in 2005 and again in 2009.

## **Advisory Council Responsibilities**

- Per MCA 60-2-601 and ARM 18.14.201-202, a SSHBP Advisory Council is required. Council members must have expertise in one or more of the subjects of tourism, visual assessment, Montana history, resource protection, economic development, transportation, or planning. One member of the

advisory council must be a representative of the Montana chamber of commerce, and the Administrative Rules recommends a member have expertise in tribal culture.

- The purpose of the SSHBP Advisory Council is to:
  - assist the Department and the Transportation Commission in designing the program
  - review applications for nominating roads to the SSHBP
  - recommend to the Commission roads that should be included in or deleted from the SSHBP.
- Since their appointment, the SSHBP Advisory Council has:
  - Reviewed the Scenic-Historic Byways pilot project (MCA 60-2-606) and based on ARM 18.14.205 determined that only four of the eight routes had potential for designation. These included:
    - Black Otter Trail – Billings
    - Looking Glass Road (MT 49)
    - Giant Springs Road – Great Falls
    - Harding Way Highway (Butte to Whitehall)
  - Added two other eligible routes for consideration in initial round of applications
    - Going-to-the Sun Road – Glacier National Park (GNP). *GNP opted to postpone applying until construction of the roadway was completed.*
    - Lake Koocanusa (MT 37)
  - Reviewed guidelines and website material developed by MDT. *Note: A process for deleting byways will be established as part of the Council's ongoing program process development.*
  - Conducted outreach to local organizations regarding the initial eligible routes in order to complete applications for scenic byway designation.
  - Recommended byway designation to the Transportation Commission for the two qualifying applications:
    - Giant Springs Road – Great Falls
    - Lake Koocanusa (portion of MT 37)
  - May 2011 - Transportation Commission approved state scenic-historic byway designation for Giant Springs Road and Lake Koocanusa as Montana's first scenic byways.
- Expenditures
  - Advisory Council members are reimbursed for travel, lodging and meal expenses as provided in MCA 2-18-501 through 503.
  - Since 2009, MDT has reimbursed a total of \$759.55 to Advisory Council members for travel, lodging and meal expenses. Source of funds – Federal State Planning & Research (SPR) funds. *(Note: This funding is provided thru the Federal Highway Administration & requires a 20% non-federal match which is provided thru the Highway State Special Revenue Acct.)*
  - MDT staff liaison – also funded with Federal SPR.

## Montana Scenic-Historic Byways Program

### **Montana Code Annotated**

MCA 60-2-601: Scenic-historic byways program --advisory council -- expenditure of funds. 1999  
MCA 60-2-602: Scenic-historic byways program – rules. 1999  
MCA 60-2-603 through 60-2-605: through reserved  
MCA 60-2-606: Scenic-historic byways pilot project. 2009 (*Temporary – terminates July 1, 2019.*)

### **Administrative Rules of Montana**

ARM 18.14.201: Definitions. 2005  
ARM 18.14.202: Advisory Council. 2005  
ARM 18.14.203: Montana Scenic-Historic Byways. 2005  
ARM 18.14.204: Scenic-Historic Byway Nomination. 2005  
ARM 18.14.205: Requirements of Scenic-Historic Byway Designation. 2005  
ARM 18.14.206: reserved  
ARM 18.14.207: Nomination of Montana State Byway Designations for National Designation. 2005  
ARM 18.14.208: Removal of Montana State Byway Designation. 2005

Criteria outlined in MCA and/or ARM requires the following for consideration of designation.

The proposed byway must:

- Possess one of the six intrinsic qualities (scenic, natural, historical, cultural, archeological or recreational features)
- Abut publicly-owned lands or tribal government-owned lands within the boundary of an Indian reservation
- Be suitable for the prescribed type(s) of vehicular use and accommodate expected traffic volumes
- Be an existing route and have legal public access
- Have strong local support and proponents must demonstrate coordination with relevant agencies MCA 60-2-601
- Be accompanied by a conceptual plan
- Be recommended by the Advisory Council for final approval by the Transportation Commission.

## National Scenic Byways Program

*Note: Uncertainty whether this program will continue with the next Federal Transportation Bill*

### **Background:**

The National Scenic Byways (NSB) Program was established under the Intermodal Surface Transportation Efficiency Act of 1991. Under the program, the U.S. Secretary of Transportation recognizes certain roads as National Scenic Byways or All-American Roads based on their archaeological, cultural, historic, natural, recreational, and scenic qualities. There are 150 such designated byways in 46 states. The Federal Highway Administration promotes the collection as America's Byways.

### **Mission:**

To provide resources to the byway community to create unique travel experiences and enhance local quality of life through efforts to preserve, protect, interpret, and promote the intrinsic qualities of designated byways

### **Funding:**

The national Scenic Byways Discretionary Grants program provides merit-based funding for byway related projects each year thru a competitive grant program application process.

Eligible activities in 8 categories:

- |                               |                             |
|-------------------------------|-----------------------------|
| 1. State/Indian Byway Program | 5. Access to Recreation     |
| 2. Corridor Management Plan   | 6. Resource Protection      |
| 3. Safety Improvement         | 7. Interpretive Information |
| 4. Byway Facilities           | 8. Marketing Program        |

*Note: Cannot be used for streetscaping/local sidewalks, routine road maintenance & construction, preserving pools of property, local trails with no connection to the byway*

### **Montana:**

Designations:                      Beartooth Highway (All American Road designation in 2002)

Funding Received to Date for the Beartooth Highway:

1992	\$ 164,503	Byway Program
1993	\$ 602,821	Byway Program
2004	\$ 172,304	Shoofly Interpretive Center (land/design/engineering)
2004	\$ 25,000	Beartooth Corridor Management Plan Implementation (seed grant)
2005	\$ 25,000	Beartooth Corridor Management Plan (Phase II)
2006	\$ 16,000	Shoofly Interpretive Center (continued development)
2006	\$ 38,000	Beartooth Corridor Management Plan (Phase III)
2007	\$ 36,768	Beartooth Corridor Management Plan (Phase iV)
Total:	\$1,080,396	

## **Administrative Rules of Montana**

### **18.14.2 Scenic-Historic Byways Program**

#### **18.14.201 DEFINITIONS**

For the purpose of this subchapter, the following definitions apply:

(1) "Advisory council" means the technical oversight council composed of no more than 11 members who must have expertise in one or more of the subjects of tourism, visual assessment, tribal cultures and history, Montana history, resource protection, economic development, transportation, or planning.

(2) "Commission" means the transportation commission provided for in 2-15-2502, MCA.

(3) "Department" means the department of transportation provided for in Title 2, chapter 15, part 25, MCA.

(4) "Local government" means a county, a consolidated government, an incorporated city or town, a school district, or a special district.

(5) "Scenic-historic byway" means a public road or segment of a public road that has been designated as a scenic-historic byway by the commission, as provided in 60-2-601, MCA.

(6) "Tribal government" means a federally recognized government of any Indian tribe, nation, or other organized group, which owns land and has a reservation in Montana.

History: 60-2-602, MCA; IMP, 60-2-601 and 60-2-602, MCA; NEW, 2005 MAR p. 93, Eff. 1/14/05.

#### **18.14.202 ADVISORY COUNCIL**

(1) The commission shall appoint an advisory council for the scenic-historic byways program.

(2) The advisory council shall:

(a) assist the department and the commission in designing the program;

(b) review applications for nominating roads to the scenic-historic byways program; and

(c) recommend to the commission roads that should be included in or deleted from the scenic-historic program.

History: 60-2-602, MCA; IMP, 60-2-601 and 60-2-602, MCA; NEW, 2005 MAR p. 93, Eff. 1/14/05.

#### **18.14.203 MONTANA SCENIC-HISTORIC BYWAYS**

(1) Montana's scenic-historic byways program will have two tiers of designation:

(a) Improved and paved roads that accommodate two-wheel drive vehicles would be designated as Montana byways.

(b) Less improved roads that may require four-wheel drive or high clearance vehicles would be designated as Montana backways.

History: 60-2-602, MCA; IMP, 60-2-601 and 60-2-602, MCA; NEW, 2005 MAR p. 93, Eff. 1/14/05.

#### **18.14.204 SCENIC-HISTORIC BYWAY NOMINATION**

(1) In order for a roadway to be nominated as a scenic-historic byway, local government or tribal government must prepare an application that follows the rules and procedures provided by the Montana department of transportation by the date specified for submittal each year.

(2) The application must adhere to the requirements for scenic-historic byway designations.

History: 60-2-602, MCA; IMP, 60-2-601 and 60-2-602, MCA; NEW, 2005 MAR p. 93, Eff. 1/14/05.

#### **18.14.205 REQUIREMENTS OF SCENIC-HISTORIC BYWAY DESIGNATION**

(1) The commission may designate roads to be included as part of the programs and may add or delete roads from the program.

(2) The commission may not designate a road as a scenic-historic byway without the concurrence of the affected local governments or tribal governments and the agencies responsible for maintenance and operation of the road.

(3) All land abutting the scenic-historic byway must be either in tribal government ownership within the boundaries of an Indian reservation or in public ownership.

(4) The application shall contain an explanation of the manner in which the byway meets one or more of the intrinsic qualities. In addition, in the application the local government or tribal government shall set forth, to the extent possible, how the scenic-historic byway designation will:

- (a) enhance the experience of the traveling public;
- (b) stimulate or allow for economic development and new marketing strategies; and
- (c) preserve intrinsic resources for the benefit of future generations.

(5) The proposed scenic-historic byway must possess at least one of the following intrinsic qualities:

- (a) scenic;
- (b) natural;
- (c) historic;
- (d) cultural;
- (e) archeological; or
- (f) recreational.

(6) The proposed scenic-historic byway must be an existing road that can safely accommodate expected traffic volumes.

(7) The proposed designation must have concurrence and approval of the application from local governments, tribal governments and agencies with jurisdiction of the road and adjacent to the road.

(8) The application shall contain a conceptual plan. This conceptual plan for the corridor shall describe the process in which a corridor plan is to be developed. The components to be included in the conceptual plan are how the nominating organization proposes to:

- (a) enhance and protect the scenic-historic byway;
- (b) develop essential services; and
- (c) promote and market the byway on the local and regional level. A corridor management plan may be substituted for the conceptual plan.

(9) A corridor management plan must be developed or in development within two years of a scenic-historic byway designation. A scenic-historic byway will not be signed or indicated on the state tourism map until the corridor management plan is complete. The corridor management plan shall:

(a) serve as a visioning tool to provide direction for enhancing and marketing the corridor, but not as:

- (i) a land management document;
- (ii) zoning tool or mandate;
- (iii) highway improvement scoping or prioritization document; or

(iv) highway management document;  
(b) accommodate commerce and commercial vehicles;  
(c) maintain a safe and efficient level of highway services;  
(d) preclude the local or tribal government having adopted the corridor management plan from establishing goals or commitments outside the local or tribal government's jurisdiction;  
and

(e) accommodate all jurisdictions affected or to be affected.

(10) A scenic-historic byway should be as continuous as possible; however, all government entities shall have the right to require that a portion of a proposed scenic-historic byway abutting in their jurisdiction be excluded from designation.

(11) Each scenic-historic byway must have a management group to provide long-term oversight and marketing for the road.

(12) The proposed route must be recommended by the advisory council for final approval by the commission.

History: 60-2-602, MCA; IMP, 60-2-601 and 60-2-602, MCA; NEW, 2005 MAR p. 93, Eff. 1/14/05.

#### **18.14.206 RESERVED**

#### **18.14.207 NOMINATION OF MONTANA STATE BYWAY DESIGNATIONS FOR NATIONAL DESIGNATION**

(1) Once a road is designated and signed as a Montana scenic-historic byway, local government or tribal government officials can nominate the road for designation as a national scenic byway or all-American road by completing the requirements for nomination provided by the United States department of transportation.

(2) National designation applications must be submitted to the Montana scenic-historic byways coordinator to be approved by the Montana transportation commission and forwarded to the federal highway administration.

History: 60-2-602, MCA; IMP, 60-2-601 and 60-2-602, MCA; NEW, 2005 MAR p. 93, Eff. 1/14/05.

#### **18.14.208 REMOVAL OF MONTANA STATE BYWAY DESIGNATION**

(1) The two circumstances that allow for a scenic-historic byway to be removed from designation are:

(a) voluntary removal when local government or tribal government no longer wants its designation; and

(b) nonconformance removal when the scenic-historic byway loses the intrinsic values specified in original nomination for designation.

(2) Removal of scenic-historic byway designation requires:

(a) local governments, tribal governments, and stakeholders to follow steps and procedures provided by the Montana department of transportation; and

(b) a recommendation of removal by the advisory council for final approval by the Montana transportation commission.

History: 60-2-602, MCA; IMP, 60-2-601 and 60-2-602, MCA; NEW, 2005 MAR p. 93, Eff. 1/14/05.

## Montana Code Annotated Scenic-Historic Byways Program

### **60-2-601. Scenic-historic byways program -- advisory council -- expenditure of funds.**

(1) There is a scenic-historic byways program. The commission may designate roads to be included as part of the program and may add or delete roads from the program. The commission may not designate a road as a scenic-historic byway without the concurrence of the affected local governments and the agencies responsible for maintenance and operation of the road. A road or right-of-way across federal land that was granted by 43 U.S.C. 932 and recognized by 43 U.S.C. 1701 may be considered for inclusion in the program.

(2) Notwithstanding the provision of 2-15-122, the commission shall appoint an advisory council for the scenic-historic byways program.

(3) The advisory council is a technical oversight council composed of no more than 11 members who must have expertise in one or more of the subjects of tourism, visual assessment, Montana history, resource protection, economic development, transportation, or planning. One member of the advisory council must be a representative of the Montana chamber of commerce.

(4) The advisory council shall:

(a) assist the department and the commission in designing the program;

(b) review applications for nominating roads to the scenic-historic byways program;  
and

(c) recommend to the commission roads that should be included in or deleted from the scenic-historic byways program.

(5) The department, upon the direction of the commission, may expend any funds appropriated for or otherwise available to the scenic-historic byways program.

History: En. Sec. 2, Ch. 546, L. 1999.

**60-2-602. Scenic-historic byways program -- rules.** (1) The department shall adopt rules to effectively administer the scenic-historic byways program. The rules must include the criteria that will be considered for designating a road for inclusion in the scenic-historic byways program.

(2) In developing the criteria, to be included in the rules, for designating a road for inclusion in the scenic-historic byways program, the advisory council, commission, and department shall specifically address:

(a) factors that allow each locality choosing to participate in or seeking participation in the scenic-historic byways program the opportunity to:

(i) enhance the experience of the traveling public;

(ii) stimulate or allow for economic development and new marketing strategies; or



(iii) preserve intrinsic resources for the benefit of future generations;

(b) a methodology by which a locality choosing to participate in or seeking participation in the scenic-historic byways program may participate in the national scenic byways program, described in section 1047 of Public Law 102-240;

(c) means by which a road may be excluded from designation as a scenic-historic byway by:

- (i) an incorporated municipality for a road or segment of a road within its jurisdiction; or
- (ii) a landowner for a road or segment of a road adjacent to the landowner's private property;

(d) factors to be considered in assessing the intrinsic, scenic, historic, recreational, cultural, archaeological, educational, or natural qualities of the road nominated for inclusion in the scenic-historic byways program;

(e) factors to be considered in a locality's corridor management plan, including that the plan:

(i) serves as a visioning tool to provide direction for enhancing and marketing the corridor, but not as a land management document, zoning tool or mandate, highway improvement scoping or prioritization document, or highway management document;

(ii) accommodates commerce and commercial vehicles and maintains a safe and efficient level of highway services;

(iii) protects private property rights, including assurances that the private property rights of a person who owns land adjacent to or visible from the road are not in any way diminished by the road being designated a scenic-historic byway or are accommodated through mutually agreeable compensation;

(iv) precludes the locality having adopted the corridor management plan from establishing goals or commitments outside the locality's jurisdiction; and

(v) has accommodated all jurisdictions affected or to be affected by the designation of a road as a scenic-historic byway; and

(f) procedures to ensure that localities choosing to participate in the scenic-historic byways program:

(i) may exclude from designation any segment of a highway that is inconsistent with the state's criteria for designating scenic-historic byways. Within an excluded segment, a locality may allow off-premises advertising in the form of billboards or painted signs, subject to applicable federal, state, or local laws.

(ii) may use signage recognized as exceptions or as information signs in all areas along a designated route, provided that the signage complies with 23 U.S.C. 131, Title 60, chapter 5, part 5, Title 75, chapter 15, part 1, and all applicable state or locally adopted rules, requirements, and restrictions.

History: En. Sec. 3, Ch. 546, L. 1999.

**60-2-603 through 605. Reserved.**

**60-2-606. (Temporary) Scenic-historic byways pilot project.** There is a scenic-historic byways pilot project to allow locally developed applications submitted by the local government or governments of jurisdiction to the scenic-historic byways program established in 60-2-601 to be considered, approved, or rejected by the department pursuant to the rules adopted in 60-2-602. The department shall offer to review applications for designations involving the following highways:

- (1) the warrior trail highway as designated in 60-1-214;
- (2) the trail of the arrow, consisting of parts of U.S. highway routes 418, 313, 463, and 451 from the Crow reservation boundary on route 418 to Pryor, Saint Xavier, Lodge Grass, and Crow Agency to the start of the warrior trail highway;
- (3) black otter trail road in swords park in Billings;
- (4) Montana route 1, also known as the pintler scenic route, between the interstate exits at Anaconda and Drummond;
- (5) looking glass road on U.S. highway 49 from Kiowa junction to East Glacier;
- (6) giant springs road in Great Falls from river road to 67th street;
- (7) bureau of Indian affairs route 114 and county road 234; and
- (8) Harding way highway from Butte to Whitehall. (*Terminates July 1, 2019--sec. 4, Ch. 410, L. 2009.*)

## Scenic-Historic Byways Program

60-2-601. Scenic-historic byways program -- advisory council -- expenditure of funds.

(1) There is a scenic-historic byways program. The commission may designate roads to be included as part of the program and may add or delete roads from the program. The commission may not designate a road as a scenic-historic byway without the concurrence of the affected local governments and the agencies responsible for maintenance and operation of the road. A road or right-of-way across federal land that was granted by 43 U.S.C. 932 and recognized by 43 U.S.C. 1701 may be considered for inclusion in the program.

(2) Notwithstanding the provision of 2-15-122, the commission shall appoint an advisory council for the scenic-historic byways program.

(3) The advisory council is a technical oversight council composed of no more than 11 members who must have expertise in one or more of the subjects of tourism, visual assessment, Montana history, resource protection, economic development, transportation, or planning. One member of the advisory council must be a representative of the Montana chamber of commerce.

(4) The advisory council shall:

- (a) assist the department and the commission in designing the program;
- (b) review applications for nominating roads to the scenic-historic byways program; and
- (c) recommend to the commission roads that should be included in or deleted from the scenic-historic byways program.

(5) The department, upon the direction of the commission, may expend any funds appropriated for or otherwise available to the scenic-historic byways program.

History: En. Sec. 2, Ch. 546, L. 1999.

60-2-602. Scenic-historic byways program -- rules. (1) The department shall adopt rules to effectively administer the scenic-historic byways program. The rules must include the criteria that will be considered for designating a road for inclusion in the scenic-historic byways program.

(2) In developing the criteria, to be included in the rules, for designating a road for inclusion in the scenic-historic byways program, the advisory council, commission, and department shall specifically address:

(a) factors that allow each locality choosing to participate in or seeking participation in the scenic-historic byways program the opportunity to:

- (i) enhance the experience of the traveling public;
- (ii) stimulate or allow for economic development and new marketing strategies; or
- (iii) preserve intrinsic resources for the benefit of future generations;

(b) a methodology by which a locality choosing to participate in or seeking participation in the scenic-historic byways program may participate in the national scenic byways program, described in section 1047 of Public Law 102-240;

(c) means by which a road may be excluded from designation as a scenic-historic byway by:

- (i) an incorporated municipality for a road or segment of a road within its jurisdiction; or
- (ii) a landowner for a road or segment of a road adjacent to the landowner's private property;
- (d) factors to be considered in assessing the intrinsic, scenic, historic, recreational,

cultural, archaeological, educational, or natural qualities of the road nominated for inclusion in the scenic-historic byways program;

(e) factors to be considered in a locality's corridor management plan, including that the plan:

(i) serves as a visioning tool to provide direction for enhancing and marketing the corridor, but not as a land management document, zoning tool or mandate, highway improvement scoping or prioritization document, or highway management document;

(ii) accommodates commerce and commercial vehicles and maintains a safe and efficient level of highway services;

(iii) protects private property rights, including assurances that the private property rights of a person who owns land adjacent to or visible from the road are not in any way diminished by the road being designated a scenic-historic byway or are accommodated through mutually agreeable compensation;

(iv) precludes the locality having adopted the corridor management plan from establishing goals or commitments outside the locality's jurisdiction; and

(v) has accommodated all jurisdictions affected or to be affected by the designation of a road as a scenic-historic byway; and

(f) procedures to ensure that localities choosing to participate in the scenic-historic byways program:

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(ii) may use signage recognized as exceptions or as information signs in all areas along a designated route, provided that the signage complies with 23 U.S.C. 131, Title 60, chapter 5, part 5, Title 75, chapter 15, part 1, and all applicable state or locally adopted rules, requirements, and restrictions.

History: En. Sec. 3, Ch. 546, L. 1999.

60-2-603 through 60-2-605 reserved.

60-2-606. (Temporary) Scenic-historic byways pilot project. There is a scenic-historic byways pilot project to allow locally developed applications submitted by the local government or governments of jurisdiction to the scenic-historic byways program established in 60-2-601 to be considered, approved, or rejected by the department pursuant to the rules adopted in 60-2-602. The department shall offer to review applications for designations involving the following highways:

(1) the warrior trail highway as designated in 60-1-214;

(2) the trail of the arrow, consisting of parts of U.S. highway routes 418, 313, 463, and 451 from the Crow reservation boundary on route 418 to Pryor, Saint Xavier, Lodge Grass, and Crow Agency to the start of the warrior trail highway;

(3) black otter trail road in swords park in Billings;

(4) Montana route 1, also known as the pintler scenic route, between the interstate exits at Anaconda and Drummond;

(5) looking glass road on U.S. highway 49 from Kiowa junction to East Glacier;

- (6) giant springs road in Great Falls from river road to 67th street;
- (7) bureau of Indian affairs route 114 and county road 234; and
- (8) Harding way highway from Butte to Whitehall. (Terminates July 1, 2019--sec. 4, Ch. 410, L. 2009.)

History: En. Sec. 1, Ch. 410, L. 2009.

Compiler's Comments:

Preamble: The preamble attached to Ch. 410, L. 2009, provided: "WHEREAS, since the inception on the Montana scenic-historic byway program, no scenic-historic byways designations have been applied for by local jurisdictions, nor granted by the Montana Department of Transportation; and

WHEREAS, adjoining states have acquired millions of dollars of federal highway funds for local scenic-historic byway projects; and

WHEREAS, Montana's lack of a viable state scenic-historic byway program has resulted in loss of opportunities to acquire grant funding for scenic-historic byway projects by local jurisdictions including Indian Tribes; and

WHEREAS, designation of a scenic-historic byway can have positive economic, quality of life, and educational outcomes for communities and the state; and

WHEREAS, the designation of a scenic-historic byway does not diminish authorities of existing jurisdictions for local land planning or management, nor does it create any new authorities; and

WHEREAS, applications for designation of a local road as a state scenic-historic byway must be prepared locally following local processes in consultation with local citizens and road administrators; and

WHEREAS, the Montana Department of Transportation has concluded that a scenic-historic byways program is feasible in Montana and that the Department is capable of incorporating a program into its administrative responsibilities; and

WHEREAS, current state law on scenic-historic byways protects private property rights but requires local jurisdictions to make assurances that are difficult to comply with; and

WHEREAS, Montana has roads with outstanding qualifications for scenic-historic byway designation and these roads have significant need for new funding opportunities for project funding."

Effective Date: Section 3, Ch. 410, L. 2009, provided: "[This act] is effective July 1, 2009."

Termination: Section 4, Ch. 410, L. 2009, provided: "[This act] terminates July 1, 2019."